IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2192 OF 2007

Rajendra Sitaram Tambe .... Petitioner

versus

Devendranath Kashiram Nawale
and another ..... Respondent.

Shri S.S. Sawant for the petitioner
Ms. N.H.Mhatre APP for State.

CORAM; A.P. DESHPANDE, J.
DATED; 03RD DECEMBER, 2007

P.C.;

1. The learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to challenge the order dated 20-6-2007 passed by JMFC by filing a revision before the Sessions Court. Allowed to be withdrawn with liberty as prayed for. The learned counsel for the petitioner submits that he has been prosecuting the Criminal writ petition before this court and the period of pendency of this writ petition needs to be excluded for counting the period of limitation for filing the revision. It is obvious that if parties are bonafidely litigating before a wrong forum, the time spent for the same will be excluded if the appropriate application for condonation of delay is filed. It shall be open for the petitioner to file an application for the same

before the Sessions court. .....